

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

VIKING YACHT COMPANY, a New	:	
Jersey Corporation; and POST	:	
MARINE CO., INC., a New Jersey:	:	
Corporation,	:	HONORABLE JOSEPH E. IRENAS
	:	
Plaintiffs,	:	
	:	CIVIL ACTION NO. 05-538 (JEI)
v.	:	
	:	
COMPOSITES ONE LLC, a Foreign	:	<b>ORDER PARTIALLY GRANTING AND</b>
Limited Liability Company;	:	<b>PARTIALLY DENYING DEFENDANT</b>
CURRAN COMPOSITES, INC., a	:	<b>COOK COMPOSITES AND POLYMERS'</b>
Missouri Corporation; C TWO	:	<b>MOTION FOR SUMMARY JUDGMENT</b>
LLC, a Foreign Limited	:	<b>(Docket # 71), GRANTING</b>
Liability Company; and TOTAL	:	<b>PLAINTIFFS' MOTION FOR</b>
COMPOSITES, INC., a Delaware	:	<b>EXTENSION OF TIME (Docket #</b>
Corporation joint d/b/a/ COOK	:	<b>84), and DENYING PLAINTIFFS'</b>
COMPOSITES AND POLYMERS, a	:	<b>CROSS-MOTION FOR PARTIAL</b>
fictitiously named Delaware	:	<b>SUMMARY JUDGMENT (Docket # 87)</b>
Partnership,	:	
	:	
Defendants.	:	

**APPEARANCES:**

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**IRENAS**, Senior District Judge:

This matter having appeared before the Court on Defendant Cook Composites and Polymers' motion for summary judgment (Docket # 71) and Plaintiffs' cross-motion for partial summary judgment (Docket # 87), the Court having considered the submissions of the parties, and for the reasons set forth in an Opinion issued by this Court on even date herewith, and for good cause appearing;

**IT IS** on this 26th day of July, 2007,

**ORDERED THAT:**

- 1) Plaintiffs' motion for extension of time to file a cross-motion for partial summary judgment (Docket # 84), which was orally granted by this Court on January 5, 2007, is hereby **GRANTED**.
- 2) Defendant Cook Composites and Polymers' motion for summary judgment on Counts III, IV, V, VI, and XII of the Second Amended Complaint is hereby **GRANTED**.
- 3) Defendant Cook Composites and Polymers' motion for summary judgment on Count VII of the Second Amended Complaint is hereby **PARTIALLY GRANTED AND PARTIALLY DENIED**, as follows:
  - a) The motion as to Post Marine Company's claims is hereby granted.
  - b) The motion as to Viking Yacht Company's claims is hereby granted for claims occurring prior to January of 2002 and after Viking Yacht Company's last use of the 953 Series gel coat in 2004, and denied for claims

occurring between these two dates.

- 4) Defendant Cook Composites and Polymers' motion for summary judgment on Counts IX, X, and XI of the Second Amended Complaint is hereby **DENIED**.
- 5) Plaintiffs' Cross-Motion for summary judgment on Counts III, IV, V, VI, IX, X, and XII of the Second Amended Complaint is hereby **DENIED**.

s/ Joseph E. Irenas  
JOSEPH E. IRENAS, S.U.S.D.J.